

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

_____)	
PLAINVILLE GENERATING CO., LLC,)	
)	
<i>Plaintiff,</i>)	CIVIL ACTION
)	NO. 05-1121- GAO
v.)	
)	
DTE BIOMASS ENERGY, INC. and)	
PLAINVILLE GAS PRODUCERS, INC.,)	
)	
<i>Defendants.</i>)	
_____)	

PARTIES' JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Plaintiff, Plainville Gas Generating Co., LLC, and Defendants, DTE Biomass Energy, Inc. and Plainville Gas Producers, Inc., hereby submit the following joint statement for the Court's consideration at the initial scheduling conference in this matter presently set for October 25, 2005.

I. Proposed Agenda For Scheduling Conference. The parties suggest the following matters for discussion at the scheduling conference:

- A. The parties' proposed scheduling plan for discovery and motions.
- B. The positions of the parties regarding settlement.

II. Proposed Discovery/Pretrial Schedule. The parties propose the following discovery schedule:

- A. Pleadings may be amended in accordance with Rules 14 and 15 of the Federal Rules of Civil Procedure.
- B. The parties shall make their respective initial disclosures under Fed. R. Civ. P. 26(a)(1) by **November 14, 2005**.
- C. Written Discovery: Each party may serve up to fifty (50) interrogatories, fifty (50) requests for admissions and three (3) separate sets of requests for production of documents. All written discovery requests must be served so as to allow sufficient time for all responses to be made by **May 8, 2006**.
- D. Non-Expert Witness Depositions: All depositions other than those of persons designated as expert witnesses must be concluded by **May 8, 2006**.
- E. Expert Witness Disclosures: Plaintiff shall make its expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2)(A) by **May 29, 2006**. Defendants shall make their expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2)(B) by **July 17, 2006**. Plaintiff shall make any rebuttal expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2)(c) by **August 14, 2006**. The parties shall make any supplemental disclosures with respect to previously identified expert witnesses by **September 11, 2006**.
- F. Expert Witness Depositions: Any expert witness depositions must be taken within 30 days from the service of the expert witness's report.
- G. Any challenges to expert witness testimony must be filed by **November 20, 2006**.

- H. Any potentially dispositive motion must be filed by **December 18, 2006**. Any response must be filed within 45 days after the motion is filed.
- I. Dates for a final pretrial conference and for trial shall be determined by the Court.
- J. Any supplements to discovery responses must be made no later than ten days before the scheduled final pretrial conference. This obligation specifically applies to expert witness disclosures.

III. Trial By Magistrate Judge.

At this time, the parties do not agree to submit this matter to a magistrate judge for trial.

IV. Settlement. Plaintiff has served a demand for settlement upon Defendants, as per this Court's Order.

V. Certifications Pursuant to Local Rule 16.1(D)(3). Certifications under Local Rule 16.1(D)(3) are being filed separately with the Court.

Date: October 14, 2005

Respectfully submitted,

/s/ Steven Ferrey

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